

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL RAILROAD PASSENGER CORP.,

Case No. 07 CV 6288

Plaintiff,

-against-

VERIFIED ANSWER WITH
CROSS-CLAIMS

T.C. JOHNSON COMPANY, TRANSPORTATION
RESOURCES INC., MITCHELL EQUIPMENT
CORPORATION, TEREX CORPORATION, KOEHRING
CRANES, INC. d/b/a TEREX CRANES WAVERLY, and
TEREX CRANES, INC.,

Defendants.

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Defendant, MITCHELL EQUIPMENT CORPORATION, by and through its attorneys
Wilson, Elser, Moskowitz, Edelman & Dicker LLP, as and for its Answer to the plaintiff's
Complaint, alleges upon information and belief as follows:

1. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or
information sufficient to form a belief as to the truth of the allegations contained in the paragraph
designated as "1" in the plaintiff's Complaint.

2. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or
information sufficient to form a belief as to the truth of the allegations contained in the paragraph
designated as "2" in the plaintiff's Complaint.

3. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or
information sufficient to form a belief as to the truth of the allegations contained in the paragraph
designated as "3" in the plaintiff's Complaint.

4. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “4” in the plaintiff’s Complaint.

5. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “5” in the plaintiff’s Complaint, leaving all questions of law for resolution by the court.

6. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “6” in the plaintiff’s Complaint, leaving all questions of law for resolution by the court.

7. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “7” in the plaintiff’s Complaint, leaving all questions of law for resolution by the court.

8. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “8” in the plaintiff’s Complaint.

9. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “9” in the plaintiff’s Complaint.

10. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "10" in the plaintiff's Complaint, except admits that MITCHELL EQUIPMENT CORPORATION is a foreign corporation.

11. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "11" in the plaintiff's Complaint, except admits that MITCHELL EQUIPMENT CORPORATION is located in Dundee, Michigan.

AS AND FOR AN ANSWER TO STATEMENT OF FACTS

12. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "12" in the plaintiff's Complaint.

13. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "13" in the plaintiff's Complaint, except admits that Louis Cevasco commenced a lawsuit.

14. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "14" in the plaintiff's Complaint, except admits that Jugal K. Sood commenced a lawsuit.

15. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph

designated as "15" in the plaintiff's Complaint, except admits that Girolamo Vitale and Joseph Adornetti commenced lawsuits.

16. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "16" in the plaintiff's Complaint, except admits Edley Gayle commenced a lawsuit.

17. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "17" in the plaintiff's Complaint, except admits that Louis Cevasco, Jugal K. Sood, Girolamo Vitale, Joseph Adornetti and Edley Gayle commenced lawsuits.

18. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "18" in the plaintiff's Complaint.

19. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "19" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

20. Defendant MITCHELL EQUIPMENT CORPORATION repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "19" of this Answer with the same force and effect as if fully set forth at length herein.

21. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "21" in the plaintiff's Complaint.

22. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "22" in the plaintiff's Complaint.

23. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "23" in the plaintiff's Complaint.

24. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "24" in the plaintiff's Complaint.

25. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "25" in the plaintiff's Complaint.

26. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "26" in the plaintiff's Complaint.

27. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "27" in the plaintiff's Complaint.

28. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "28" in the plaintiff's Complaint.

29. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "29" in the plaintiff's Complaint.

30. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "30" in the plaintiff's Complaint.

31. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "31" in the plaintiff's Complaint.

32. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "32" in the plaintiff's Complaint.

33. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "33" in the plaintiff's Complaint.

34. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "34" in the plaintiff's Complaint.

35. Defendant MITCHELL EQUIPMENT CORPORATION denies each and every allegation contained in the paragraph designated as "35" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION

36. Defendant MITCHELL EQUIPMENT CORPORATION repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "35" of this Answer with the same force and effect as if fully set forth at length herein.

37. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "37" in the plaintiff's Complaint.

38. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "38" in the plaintiff's Complaint.

39. Upon information and belief, defendant MITCHELL EQUIPMENT CORPORATION denies each and every allegation contained in the paragraph designated as "39" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE THIRD CAUSE OF ACTION

40. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "39" of this Answer with the same force and effect as if fully set forth at length herein.

41. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "41" in the plaintiff's Complaint.

42. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "42" in the plaintiff's Complaint.

43. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "43" in the plaintiff's Complaint.

44. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "44" in the plaintiff's Complaint.

45. Defendant MITCHELL EQUIPMENT CORPORATION denies each and every allegation contained in the paragraph designated as "45" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE FOURTH CAUSE OF ACTION

46. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "45" of this Answer with the same force and effect as if fully set forth at length herein.

47. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "47" in the plaintiff's Complaint.

48. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "48" in the plaintiff's Complaint.

49. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “49” in the plaintiff’s Complaint.

50. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “50” in the plaintiff’s Complaint.

51. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “51” in the plaintiff’s Complaint.

52. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “52” in the plaintiff’s Complaint.

53. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “53” in the plaintiff’s Complaint.

54. Defendant MITCHELL EQUIPMENT CORPORATION denies each and every allegation contained in the paragraph designated as “54” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE FIFTH CAUSE OF ACTION

55. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “54” of this Answer with the same force and effect as if fully set forth at length herein.

56. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “56” in the plaintiff’s Complaint.

57. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “57” in the plaintiff’s Complaint.

58. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “58” in the plaintiff’s Complaint.

59. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “59” in the plaintiff’s Complaint.

60. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “60” in the plaintiff’s Complaint.

61. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “61” in the plaintiff’s Complaint.

62. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “62” in the plaintiff’s Complaint.

63. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “63” in the plaintiff’s Complaint.

64. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “64” in the plaintiff’s Complaint.

65. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “65” in the plaintiff’s Complaint.

66. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “66” in the plaintiff’s Complaint.

67. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “67” in the plaintiff’s Complaint.

68. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “68” in the plaintiff’s Complaint.

69. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “69” in the plaintiff’s Complaint.

70. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “70” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE SIXTH CAUSE OF ACTION

71. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "70" of this Answer with the same force and effect as if fully set forth at length herein.

72. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "72" in the plaintiff's Complaint.

73. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "73" in the plaintiff's Complaint.

74. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "74" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE SEVENTH CAUSE OF ACTION

75. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "74" of this Answer with the same force and effect as if fully set forth at length herein.

76. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "76" in the plaintiff's Complaint.

77. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "77" in the plaintiff's Complaint.

78. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “78” in the plaintiff’s Complaint.

79. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “79” in the plaintiff’s Complaint.

80. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “80” in the plaintiff’s Complaint.

81. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “81” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE EIGHTH CAUSE OF ACTION

82. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “81” of this Answer with the same force and effect as if fully set forth at length herein.

83. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “83” in the plaintiff’s Complaint.

84. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “84” in the plaintiff’s Complaint.

85. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "85" in the plaintiff's Complaint.

86. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "86" in the plaintiff's Complaint.

87. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "87" in the plaintiff's Complaint.

88. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "88" in the plaintiff's Complaint.

89. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "89" in the plaintiff's Complaint.

90. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "90" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE NINTH CAUSE OF ACTION

91. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "90" of this Answer with the same force and effect as if fully set forth at length herein.

92. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "92" in the plaintiff's Complaint.

93. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "93" in the plaintiff's Complaint.

94. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "94" in the plaintiff's Complaint.

95. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "95" in the plaintiff's Complaint.

96. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "96" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE TENTH CAUSE OF ACTION

97. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "96" of this Answer with the same force and effect as if fully set forth at length herein.

98. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "98" in the plaintiff's Complaint.

99. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "99" in the plaintiff's Complaint.

100. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "100" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE ELEVENTH CAUSE OF ACTION

101. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "100" of this Answer with the same force and effect as if fully set forth at length herein.

102. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "102" in the plaintiff's Complaint.

103. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "103" in the plaintiff's Complaint.

104. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "104" in the plaintiff's Complaint.

105. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "105" in the plaintiff's Complaint.

106. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “106” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE TWELFTH CAUSE OF ACTION

107. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “106” of this Answer with the same force and effect as if fully set forth at length herein.

108. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “108” in the plaintiff’s Complaint.

109. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “109” in the plaintiff’s Complaint.

110. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “110” in the plaintiff’s Complaint.

111. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “111” in the plaintiff’s Complaint.

112. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “112” in the plaintiff’s Complaint.

113. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “113” in the plaintiff’s Complaint.

114. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “114” in the plaintiff’s Complaint.

115. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “115” in the plaintiff’s Complaint.

AS AND FOR A THIRTEENTH CAUSE OF ACTION

116. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “115” of this Answer with the same force and effect as if fully set forth at length herein.

117. Defendant MITCHELL EQUIPMENT CORPORATION denies each and every allegation contained in the paragraph designated as “117” in the plaintiff’s Complaint, except admits that defendant MITCHELL EQUIPMENT CORPORATION is a foreign corporation.

118. Defendant MITCHELL EQUIPMENT CORPORATION denies each and every allegation contained in the paragraph designated as “118” in the plaintiff’s Complaint, except admits that defendant MITCHELL EQUIPMENT CORPORATION is a foreign corporation.

119. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “119” in the plaintiff’s Complaint.

120. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “120” in the plaintiff’s Complaint.

121. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “121” in the plaintiff’s Complaint.

122. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “122” in the plaintiff’s Complaint.

123. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “123” in the plaintiff’s Complaint.

124. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “124” in the plaintiff’s Complaint.

125. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “125” in the plaintiff’s Complaint.

126. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “126” in the plaintiff’s Complaint.

127. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “127” in the plaintiff’s Complaint.

128. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “128” in the plaintiff’s Complaint.

129. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “129” in the plaintiff’s Complaint.

130. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “130” in the plaintiff’s Complaint.

131. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “131” in the plaintiff’s Complaint.

132. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “132” in the plaintiff’s Complaint.

133. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “133” in the plaintiff’s Complaint.

AS AND FOR A FOURTEENTH CAUSE OF ACTION

134. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “133” of this Answer with the same force and effect as if fully set forth at length herein.

135. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “135” in the plaintiff’s Complaint.

136. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “136” in the plaintiff’s Complaint.

137. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “137” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE FIFTEENTH CAUSE OF ACTION

138. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “137” of this Answer with the same force and effect as if fully set forth at length herein.

139. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “139” in the plaintiff’s Complaint.

140. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “140” in the plaintiff’s Complaint.

141. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “141” in the plaintiff’s Complaint.

142. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “142” in the plaintiff’s Complaint.

143. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “143” in the plaintiff’s Complaint.

144. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “144” in the plaintiff’s Complaint.

145. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “145” in the plaintiff’s Complaint.

146. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “146” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE SIXTEENTH CAUSE OF ACTION

147. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “146” of this Answer with the same force and effect as if fully set forth at length herein.

148. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “148” in the plaintiff’s Complaint.

149. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “149” in the plaintiff’s Complaint.

150. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “150” in the plaintiff’s Complaint and refers all questions of law to the Honorable Court.

151. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “151” in the plaintiff’s Complaint.

152. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “152” in the plaintiff’s Complaint.

153. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “153” in the plaintiff’s Complaint.

154. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "154" in the plaintiff's Complaint.

155. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "155" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE SEVENTEENTH CAUSE OF ACTION

156. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "156" of this Answer with the same force and effect as if fully set forth at length herein.

157. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "157" in the plaintiff's Complaint.

158. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "158" in the plaintiff's Complaint.

159. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "159" in the plaintiff's Complaint.

160. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "160" in the plaintiff's Complaint.

161. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “161” in the plaintiff’s Complaint.

162. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “162” in the plaintiff’s Complaint.

163. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “163” in the plaintiff’s Complaint.

164. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “164” in the plaintiff’s Complaint.

165. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “165” in the plaintiff’s Complaint.

166. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “166” in the plaintiff’s Complaint.

167. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “167” in the plaintiff’s Complaint.

168. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “168” in the plaintiff’s Complaint.

169. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “169” in the plaintiff’s Complaint.

170. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “170” in the plaintiff’s Complaint.

171. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “171” in the plaintiff’s Complaint.

172. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “172” in the plaintiff’s Complaint.

173. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “173” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE EIGHTEENTH CAUSE OF ACTION

174. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “173” of this Answer with the same force and effect as if fully set forth at length herein.

175. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “175” in the plaintiff’s Complaint.

176. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “176” in the plaintiff’s Complaint.

177. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “177” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE NINETEENTH CAUSE OF ACTION

178. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “177” of this Answer with the same force and effect as if fully set forth at length herein.

179. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “179” in the plaintiff’s Complaint.

180. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “180” in the plaintiff’s Complaint.

181. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “181” in the plaintiff’s Complaint.

182. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “182” in the plaintiff’s Complaint.

183. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “183” in the plaintiff’s Complaint.

184. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “184” in the plaintiff’s Complaint.

185. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “185” in the plaintiff’s Complaint.

186. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “186” in the plaintiff’s Complaint.

187. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “187” in the plaintiff’s Complaint.

188. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “188” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE TWENTIETH CAUSE OF ACTION

189. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “188” of this Answer with the same force and effect as if fully set forth at length herein.

190. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “190” in the plaintiff’s Complaint.

191. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “191” in the plaintiff’s Complaint.

192. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “192” in the plaintiff’s Complaint.

193. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “193” in the plaintiff’s Complaint.

194. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “194” in the plaintiff’s Complaint.

195. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “195” in the plaintiff’s Complaint.

196. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “196” in the plaintiff’s Complaint.

197. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “197” in the plaintiff’s Complaint.

AS AND FOR A TWENTY-FIRST CAUSE OF ACTION

198. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “197” of this Answer with the same force and effect as if fully set forth at length herein.

199. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “199” in the plaintiff’s Complaint.

200. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “200” in the plaintiff’s Complaint.

201. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “201” in the plaintiff’s Complaint.

202. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “202” in the plaintiff’s Complaint.

203. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “203” in the plaintiff’s Complaint.

204. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "204" in the plaintiff's Complaint.

205. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "205" in the plaintiff's Complaint.

206. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "206" in the plaintiff's Complaint.

207. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "207" in the plaintiff's Complaint.

208. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "208" in the plaintiff's Complaint.

209. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "209" in the plaintiff's Complaint.

210. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "210" in the plaintiff's Complaint.

211. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “211” in the plaintiff’s Complaint.

212. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “212” in the plaintiff’s Complaint.

213. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “213” in the plaintiff’s Complaint.

214. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “214” in the plaintiff’s Complaint.

215. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “215” in the plaintiff’s Complaint.

216. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “216” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO TWENTY-SECOND CAUSE OF ACTION

217. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “216” of this Answer with the same force and effect as if fully set forth at length herein.

218. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “218” in the plaintiff’s Complaint.

219. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “219” in the plaintiff’s Complaint.

220. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “220” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE TWENTY-THIRD CAUSE OF ACTION

221. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “220” of this Answer with the same force and effect as if fully set forth at length herein.

222. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “222” in the plaintiff’s Complaint.

223. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “223” in the plaintiff’s Complaint.

224. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “224” in the plaintiff’s Complaint.

225. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “225” in the plaintiff’s Complaint.

226. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “226” in the plaintiff’s Complaint.

227. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “227” in the plaintiff’s Complaint.

228. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “228” in the plaintiff’s Complaint.

229. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “229” in the plaintiff’s Complaint.

230. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “230” in the plaintiff’s Complaint.

231. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “231” in the plaintiff’s Complaint.

232. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “232” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE TWENTY-FOURTH CAUSE OF ACTION

233. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “232” of this Answer with the same force and effect as if fully set forth at length herein.

234. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “234” in the plaintiff’s Complaint.

235. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “235” in the plaintiff’s Complaint.

236. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “236” in the plaintiff’s Complaint.

237. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “237” in the plaintiff’s Complaint.

238. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “238” in the plaintiff’s Complaint.

239. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “239” in the plaintiff’s Complaint.

240. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "240" in the plaintiff's Complaint.

241. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "241" in the plaintiff's Complaint.

AS AND FOR AN ANSWER TO THE TWENTY-FIFTH CAUSE OF ACTION

242. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs "1" through "241" of this Answer with the same force and effect as if fully set forth at length herein.

243. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "243" in the plaintiff's Complaint.

244. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "244" in the plaintiff's Complaint.

245. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "245" in the plaintiff's Complaint.

246. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "246" in the plaintiff's Complaint.

247. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “247” in the plaintiff’s Complaint.

248. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “248” in the plaintiff’s Complaint.

249. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “249” in the plaintiff’s Complaint.

250. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “250” in the plaintiff’s Complaint.

251. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “251” in the plaintiff’s Complaint.

252. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “252” in the plaintiff’s Complaint.

253. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “253” in the plaintiff’s Complaint.

254. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "254" in the plaintiff's Complaint.

255. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "255" in the plaintiff's Complaint.

256. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "256" in the plaintiff's Complaint.

257. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "257" in the plaintiff's Complaint.

258. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "258" in the plaintiff's Complaint.

259. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "259" in the plaintiff's Complaint.

260. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as "260" in the plaintiff's Complaint.

261. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as "261" in the plaintiff's Complaint.

262. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “262” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE TWENTY-SIXTH CAUSE OF ACTION

263. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “262” of this Answer with the same force and effect as if fully set forth at length herein.

264. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “264” in the plaintiff’s Complaint.

265. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “265” in the plaintiff’s Complaint.

266. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “266” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE TWENTY-SEVENTH CAUSE OF ACTION

267. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “266” of this Answer with the same force and effect as if fully set forth at length herein.

268. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “268” in the plaintiff’s Complaint.

269. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “269” in the plaintiff’s Complaint.

270. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “270” in the plaintiff’s Complaint.

271. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “271” in the plaintiff’s Complaint.

272. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “272” in the plaintiff’s Complaint.

273. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “273” in the plaintiff’s Complaint.

274. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “274” in the plaintiff’s Complaint.

275. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “275” in the plaintiff’s Complaint.

276. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “276” in the plaintiff’s Complaint.

277. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “277” in the plaintiff’s Complaint.

278. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “278” in the plaintiff’s Complaint.

279. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “279” in the plaintiff’s Complaint.

280. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “280” in the plaintiff’s Complaint.

AS AND FOR AN ANSWER TO THE TWENTY-EIGHTH CAUSE OF ACTION

281. Defendant MITCHELL EQUIPMENT CORPORATION, repeats, reiterates and realleges each and every response previously set forth in paragraphs “1” through “280” of this Answer with the same force and effect as if fully set forth at length herein.

282. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “282” in the plaintiff’s Complaint.

283. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “283” in the plaintiff’s Complaint.

284. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “284” in the plaintiff’s Complaint.

285. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “285” in the plaintiff’s Complaint.

286. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “286” in the plaintiff’s Complaint.

287. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “287” in the plaintiff’s Complaint.

288. Defendant MITCHELL EQUIPMENT CORPORATION denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph designated as “288” in the plaintiff’s Complaint.

289. Defendant MITCHELL EQUIPMENT CORPORATION, denies each and every allegation contained in the paragraph designated as “289” in the plaintiff’s Complaint.

AS AND FOR A FIRST CROSS-CLAIM AGAINST CO-DEFENDANTS T.C. JOHNSON COMPANY, TRANSPORTATION RESOURCES INC., TEREX CORPORATION, KOEHRING CRANES, INC. D/B/A TEREX CRANES WAVERLY AND TEREX CRANES, INC.

290. Upon information and belief, that if and in the event plaintiff sustained the injuries and damages complained of, such injuries and damages were caused entirely by reason of the wrongful conduct of co-defendants T.C. JOHNSON COMPANY, TRANSPORTATION RESOURCES INC., TEREX CORPORATION, KOEHRING CRANES, INC. d/b/a TEREX CRANES WAVERLY and TEREX CRANES, INC., there being no active or primary wrongdoing on the part of the answering defendant contributing thereto.

291. By reason of the foregoing, the answering defendant is entitled to full indemnity from, and to judgment over and against co-defendants T.C. JOHNSON COMPANY, TRANSPORTATION RESOURCES INC., TEREX CORPORATION, KOEHRING CRANES, INC. d/b/a TEREX CRANES WAVERLY and TEREX CRANES, INC. for all of any verdict or judgment which plaintiff may recover against the answering defendant.

AS AND FOR A SECOND CROSS-CLAIM AGAINST CO-DEFENDANTS T.C. JOHNSON COMPANY, TRANSPORTATION RESOURCES INC., TEREX CORPORATION, KOEHRING CRANES, INC. D/B/A TEREX CRANES WAVERLY AND TEREX CRANES, INC.

292. Upon information and belief, that if and in the event plaintiff sustained the injuries and damages complained of, such injuries and damages were caused, in whole or in part, by reason of the culpable conduct and breach of contract of co-defendants.

293. By reason of the foregoing, in any event that any judgment or verdict is recovered against answering defendant, answering defendant is entitled to contribution from, and to judgment over and against said co-defendants T.C. JOHNSON COMPANY,

TRANSPORTATION RESOURCES INC., TEREX CORPORATION, KOEHRING CRANES, INC. d/b/a TEREX CRANES WAVERLY and TEREX CRANES, INC. equal to the proportionate share of responsibility as is adjudged by the answering defendant.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

294. Upon information and belief, this Court has not acquired in personam jurisdiction over answering defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

295. Upon information and belief, that whatever damages the plaintiff may have sustained at the time and place mentioned in the complaint were caused in whole or in part by the culpable conduct of the said plaintiff. The amount of damages recovered, if any, shall therefore be diminished in the proportion to which said culpable conduct, attributable to plaintiff, bears to the culpable conduct which caused said injuries.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

296. Upon information and belief, that all risks and danger of loss or danger connected with the situation alleged in the Complaint were at the time and place mentioned obvious and apparent and were known by the plaintiff(s) and voluntarily assumed by him.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

297. That the Complaint herein fails to state a cause of action upon which relief may be granted.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

298. Upon information and belief, that injuries and damages alleged were caused by the culpable conduct of some third person or persons over whom answering defendant exercised no control.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

299. Upon information and belief, that the action herein or a portion thereof has been brought within those time limitations prescribed by law and is time barred.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

300. Upon information and belief, that the product which forms the subject of this lawsuit was misused by the plaintiff and/or by others over whom answering defendant neither had or exercised control.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

301. Upon information and belief, if it is found that any products distributed, manufactured, sold or maintained by this defendant are involved in this lawsuit, such products underwent substantial alterations after said products left the possession and control of answering defendant.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

302. Upon information and belief, plaintiff did not provide timely and proper notice to answering defendant as required by law of any alleged breach of expressed or implied warranties.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

303. Answering defendant's liability is limited by the provisions of Article 16 of the CPLR.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

304. Upon information and belief, the plaintiff has been indemnified for economic loss from a collateral source, by reason of which the liability of defendant MITCHELL EQUIPMENT CORPORATION, if any, should be reduced by the amount provided by the collateral source.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

305. Plaintiff failed to mitigate, obviate, diminish or otherwise act to lessen or reduce the injuries, damages and disabilities alleged in the verified complaint.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

306. Upon information and belief, that the action herein or a portion thereof has not been brought within those time limitations prescribed by law and is time barred.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

307. That the Complaint herein fails to state a cause of action upon which relief may be granted.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

308. That the plaintiff has waived any right to subrogation herein.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

309. That plaintiff's complaint is barred by the doctrines of laches and/or estoppel.

WHEREFORE, defendant MITCHELL EQUIPMENT CORPORATION demands judgment dismissing the Complaint herein, together with the costs and disbursements of the within action, or in the alternative, in the event that plaintiff recover any verdict and/or judgment against the answering defendant, the answering defendant demands judgment over and against defendant and co-defendants in whole or in part, in accordance with the costs, disbursements and counsel fees incurred in the defense of this action.

Dated: New York, New York
August 21, 2007

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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Margaret M. Murphy (MM7529)
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Attorneys for Defendants

TEREX CORPORATION, KOEHRING CRANES, INC. d/b/a
TEREX CRANES WAVERLY and TEREX CRANES, INC.
98 Willis Avenue
Mineola, New York 11501
Attention: Robert J. Walker, Esq.

ATTORNEY VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss:

MARGARET M. MURPHY, being duly sworn, deposes and says:

That she is associated with the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys representing defendant MITCHELL EQUIPMENT CORPORATION;

That she has read the attached Answer to the plaintiff's Complaint and the same is true to her own belief, except as to the matters alleged on information and belief, and as to those matters, she believes them to be true to the best of her knowledge;

That deponent's source of information is a file containing reports and records of investigation, with which deponent is familiar;

That this Verification is made by deponent because answering defendant's place of business is not within the county where affirmant maintains her office.

Dated: New York, New York
August 21, 2007


Margaret M. Murphy (MM7529)